

AUG 22 2005

Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)Docket No.
38484-054 (BYRK-5)

In Re Application Of: Gary E. Rehm, et al.

| Application No. | Filing Date | Examiner | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|----------------|----------------|--------------|----------------|------------------|
| 09/844,815 | April 30, 2001 | Gary W. Counts | 23630 | 1641 | 3326 |

Invention: URINARY TRYPSIN INHIBITOR ASSAY CONTAINING A CHELATING AGENT

08/24/2005 HGUTEMA1 00000004 09844815

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Attention: Office of Petitions
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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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- 1.
- ☒
- A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____The proposed reply is in the form of: Issue and Publication Fees

- 2.
- ☒
- The issue fee:

☒ is enclosed. ☐ was paid on _____

- 3.
- ☒
- The abandoned application was a:


☐ design application. ☒ utility application. ☐ plant application.

- 4.
- ☐
- A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

- 5.
- ☐
- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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|---|-------------------------------|----------------------------|-----------------------|--|--------------------------|
| Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Large Entity) | | | | Docket No. 38484-054 (BYRK-5) | |
| In Re Application Of: | | | | Gary E. Rehm, et al. | |
| Application No. 09/844,815 | Filing Date April 30, 2001 | Examiner Gary W. Counts | Customer No. 23630 | Group Art Unit 1641 | Confirmation No. 3326 |
| Invention: URINARY TRYPSIN INHIBITOR ASSAY CONTAINING A CHELATING AGENT | | | | | |
| Calculation and Payment of Fees | | | | | |
| Enclosed are the following fees: | | | | | |
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | | | | <u>\$1,500.00</u> | |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | | | | _____ | |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | | | | _____ | |
| 9. <input checked="" type="checkbox"/> Issue fee in the amount of: | | | | <u>\$1,400.00</u> | |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | | | | _____ | |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | | | | _____ | |
| 12. <input checked="" type="checkbox"/> Publication Fee | | | | <u>\$300.00</u> | |
| | | | | Total fees enclosed: <u>\$3,200.00</u> | |
| <p>The fee of \$3,200 is to be paid as follows:</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 501133</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> | | | | | |

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| Invention: URINARY TRYPSIN INHIBITOR ASSAY CONTAINING A CHELATING AGENT | | | | | | |
| <p style="text-align: center;">Statement</p> <p>The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 100px;"> <div style="width: 40%;">  <p>Toby H. Kusmer, P.C. Reg. No. 26,418 McDermott Will & Emery LLP 28 State Street Boston, MA 02109 Telephone: 617.535.4065 Facsimile: 617.535.3800 e-mail: tkusmer@mwe.com</p> </div> <div style="width: 40%; text-align: right;"> <p>Dated: August 22, 2005</p> </div> </div> | | | | | | |
| <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>cc:</p> </div> <div style="width: 50%; border: 1px solid black; padding: 5px;"> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p> <p style="text-align: right;">August 22, 2005 <i>to Facsimile</i></p> <p style="text-align: right;">(Date) # 571.273.8300</p> <p style="text-align: right;"><i>Cynthia Joseph</i></p> <p style="text-align: right;">Signature of Person Mailing Correspondence</p> <p style="text-align: right;">Cynthia Joseph</p> <p style="text-align: right;">Typed or Printed Name of Person Mailing Correspondence</p> </div> </div> | | | | | | |

**McDermott
Will & Emery LLP**

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| From: | Toby H. Kusmer | Direct Phone: | 617.535.4065 |
| E-Mail: | tkusmer@mwe.com | | |
| Sent By: | Cynthia Joseph | Direct Phone: | 617.535.4111 |
| Client/Matter/Tkpr: | 38484-054/5496 | Original to Follow by Mail: | No |
| | | Number of Pages, Including Cover: | 5 |

Re: In re Application of: Gary E. Rehm, et al.
Serial No.: 09/844,815
Filing Date: April 30, 2001
Title: Urinary Trypsin Inhibitor Assay Containing A Chelating Agent
Docket No.: 38484-054 (BYRK-5)
Examiner: Gary W. Counts
Art Unit No.: 1641

Message:

Please enter the following Petition For Revival Of An Application For Patent Abandoned Unintentionally and Issue and Publication Fees Transmittal response to the Notice of Abandonment of July 26, 2005.

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U.S. practice conducted through McDermott Will & Emery LLP.
28 State Street Boston, Massachusetts 02109-1775 Telephone: 617.535.4000

PAGE 1/5 * RCVD AT 8/22/2005 11:31:28 AM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-6/26 * DNIS:2738300 * CSID:617 5353800 * DURATION (mm-ss):01-38

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